IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

Crl.Rev.Pet.No. 586 of 2000()

ST.590/1992 of ADDL. CHIEF JUDICIAL MAGISTRATE COURT, TRIVANDRUM

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REVN. PETITIONER: APPELLANT/ACCUSED:

N.UNNIKRISHNAN
KRISHNA NIVAS
MEDICAL COLLEGE P.O.
PATTOM WARD, THIRUVANANTHAPURAM.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.SAJU JOHN
SRI.V.VARGHESE
SMT.RESMI G. NAIR

RESPONDENTS: RESPONDENT/COMPLAINANT & STATE

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1. K.PANKAJAKSHAN
THANKA VILASOM
VAZHOTTUKONAM
VATTIYOORKAVU P.O.
THIRUVANANTHAPURAM.

2. STATE REPRESENTED BY THE PUBLIC PROSECUTOR
OFFICE OF THE ADVOCATE GENERAL, HIGH COURT BUILDING
ERNAKULAM.

BY ADV. SRI.K.B.SURESH FOR R1
BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.586/2000

ORDER ON CRL.M.P.NOS.3281/2000 AND 4015/2000 IN CRL.R.P.NO.586/2000

DISMISSED

27.3.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.586 of 2000

Dated this the 27th day of March, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to pay a fine of Rs.12,000/- and in default, to undergo simple imprisonment for three months. It is also ordered that out of the fine amount, a sum of Rs.10,000/- shall be paid to the complainant.

2. The prosecution case is that the accused issued cheque for a sum of Rs.8,000/- towards discharge of liability and on presentation before the bank, the cheque got dishonoured for want of funds in the account of the accused and that the lawyer notice demanding payment was also not responded to. The evidence adduced in the matter consisted of the testimony of Pws' 1 and 2 and Ext. P1 to P5. At the instance of the defence, DW1 was examined and Ext.D1 reply notice. On consideration of the evidence adduced in the matter both the courts below have concurrently found that the accused is guilty of the offence alleged. The version of the accused that only a sum of Rs.3,500/-

is due to the complainant with respect to the purchase of a lorry was found not convincing. On a consideration of the evidence adduced in the matter, I find no reason to interfere in the findings of the court below being in the relum appreciation of evidence.

3. In the circumstances, the conviction is confirmed and the revision petitioner/accused is sentenced to pay a fine of Rs.10,000/- and the same, if realised, will be paid to PW1, the complainant.

The revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl